M

GOVERNMENT OF MADRAS.

Sectt. II-28—50,006—12-6-53.

Revenue (1953) Department.

Endorsement
~~D.O.~~
Memorandum
Lodged

No. 72298 R/53-1.

Dated 3-9-53 195

FURTHER PAPERS.

Department.	Number.	Series.	Date.

FOR MYSORE STATE

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

(Special Original Jurisdiction)

Friday the fourteenth day of August
One thousand nine hundred and fifty three.

Present.

The Honourable Mr. Justice Govinda Menon

Civil Miscellaneous Petition No. 13270 of 1950.

1. Arumuga Ambalam
2. Shanmugha Chettiar. ... Petitioner.

The State of Madras represented
by the Collector of Ramanathapuram District ... Respondent.

Petition under Art. 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith the High Court will be pleased to issue a writ of certiorari calling for the records relating to the Notification No. 2864, dated 22-12-1949, made under the Madras Act XXX of 1947, and published in the Fort St. George Gazette, dated 2-5-1950, in respect of the petitioner's Village Vahaikulam, Paramakudi Taluk, Ramanathapuram District and to quash the order made therein.

Order: This petition coming on for hearing upon perusing the petition and the affidavit filed in support thereof and the order of High Court dated 21-12-1950, and made herein and the counter affidavit filed herein, and the other papers material to this application, and upon hearing the arguments of Mr. T.R. Arunachalam and Mr. R. Mathrubhutham, Advocates for the petitioners, and of the Government Pleader, on behalf of the State, & the court made the following,

O R D E R:

What is argued in this writ petition is that when the Inam Settlement Officer acting under section9 of Madras Act XXVI of 1948 held an enquiry and cleared the village not to be an inam estate as defined in section 2 (7) of Madras Act XXVI of 1948, still the action of the State Government in applying the provisions of Madras Act XXX of 1947, and issuing a notification notifying the said village under Act XXX of 1947 and fixing the rates of rent is without jurisdiction is illegal and ultra vires.

Section 1 sub-section 3 of Madras Act XXVI of 1948 says that this legislation shall apply to all estates as defined in section 3 clause 2 of the Madras Estates Land Act of 1908 except inam villages which will become estates by virture of the Madras Estates Land (Third Amendment) Act of 1936. Therefore, if an inam village became an estate as a result of the Madras Estates Land (Third Amendment) Act 1936, the Abolition Act would not apply this dispute.

Act XXX of 1947 lays down that it applies to all estates as defined in section 3 clause 2 of the Madras Estates Land Act. Therefore, even if what was a named village, namely, a whole village which is an estate under

section 3 (2) (d) will not come within the ambit of the Estates Abolition Act, still it would be an estate for the purpose of Madras Act XXX of 1947. It cannot hence be said that notifying the estate and fixing a rate of rent under Act XXX of 1947 has been done ultra vires or without jurisdiction. The petitioner has got a remedy by way of a civil suit and this court should not, therefore, in the exercise of the extraordinary powers under Art. 226 of the Constitution, interfere. This petition is dismissed with costs.

MEMORANDUM OF COSTS.

Respondent's Costs.	Rs.	A.	P.
Stamp for Vakalatnama	0	0	0
Advocate's fee (Fixed by Court)	100	0	0
Translation and Printing charges	0	0	0
To be paid by the petitioners to the Respndent.	100	0	0

GOVERNMENT OF MADRAS.

Revenue Department.

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ENDORSEMENT NO. 72298 R/53-1 Dated : 3rd September 1953.

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Communicated to the Bd. of Rev. with reference to its Ref. F2 B 256/51-1 dated 4.2.51.

2. The Board is requested to take action to recover the costs from the petition.

P. Krishnish Naidu,
Assistant Secretary to Government.

To
The Board of Revenue (S.E.)
(With Encls.)
Copy to the Andhra Govt.
" " Mysore Govt.

Forwarded / By Order.

Superintendent.

P.P: 7/9.